IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMETT J. HARRIS, IV,) No. C 11-5306 LHK (PR)
Plaintiff,) ORDER GRANTING) DEFENDANTS' MOTION TO
V.) CHANGE TIME TO FILE A
) DISPOSITIVE MOTION
JUAN SIMENTAL, et al.,	
Defendants.)
)

Plaintiff, a state prisoner, filed the instant *pro se* prisoner complaint under 42 U.S.C. § 1983. The Court ordered service upon named Defendants. Defendants' motion for summary judgment or notice that no motion for summary judgment is warranted is due on September 17, 2012. On September 4, 2012, counsel for Defendants filed a letter addressed to the Court, indicating that he believed no Rule 12(b) motion was warranted, and requested further time to discover whether a motion for summary judgment would be appropriate.

The Court construes counsel's letter as a motion for an extension of time to file a motion for summary judgment. So construed, the motion is granted. Defendants shall file either a motion for summary judgment or further notice that no motion for summary judgment is warranted no later than **sixty** (60) **days** from the filing date of this order. Plaintiff shall file his opposition **twenty-eights** (28) **days** after the filing of the motion. Defendants shall file their reply within **fourteen** (14) **days** thereafter.

The parties are reminded that no further Court order is required before the parties may

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1	conduct discovery. Discovery may be taken in accordance with the Federal Rules of Civil
2	Procedure.
3	IT IS SO ORDERED. DATED: 9/14/12 LUCY H. Key
4	DATED: 9/14/12
5	LUCY H. KOH United States District Judge
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